

House File 2643

H-8276

1 Amend House File 2643 as follows:

2 1. By striking everything after the enacting clause and  
3 inserting:

4 <DIVISION I

5 CONTINUING APPROPRIATIONS

6 Section 1. CONTINUING APPROPRIATIONS — FY 2020-2021.

7 1. APPROPRIATIONS DETERMINED FROM FY 2019-2020 LINE ITEM  
8 AND LIMITED STANDING APPROPRIATIONS.

9 a. For all line item appropriations, standing limited  
10 appropriations, and standing unlimited appropriations otherwise  
11 limited by law, including appropriations from federal and  
12 nonstate funds, the department of management, with the approval  
13 of the legislative council and in consultation with the  
14 legislative services agency, shall determine the amount of such  
15 line item appropriations, standing limited appropriations, and  
16 standing unlimited appropriations otherwise limited by law,  
17 including appropriations from federal and nonstate funds, made  
18 for the fiscal year beginning July 1, 2019, and ending June 30,  
19 2020, by taking into consideration all of the following:

20 (1) 2020 Iowa Acts, Senate Files 2144 and 2408, and other  
21 2020 Iowa Acts.

22 (2) 2019 Iowa Acts.

23 (3) All interdepartmental and intradepartmental transfers  
24 made pursuant to [section 8.39](#) and other provisions of law.

25 (4) Other provisions of law.

26 b. The department of management, in consultation with the  
27 legislative services agency, shall also identify the entities  
28 to which such appropriations were made, or the entities'  
29 successors.

30 c. The department of management, in consultation with the  
31 legislative services agency, shall disclose the determined  
32 amounts and identified entities to the chairpersons and ranking  
33 members of the senate and house of representatives standing  
34 committees on appropriations.

35 2. CONTINUING APPROPRIATIONS. There is appropriated

1 from the appropriate state fund or account to the entities  
2 identified pursuant to subsection 1, for the fiscal year  
3 beginning July 1, 2020, and ending June 30, 2021, amounts, or  
4 so much thereof as is necessary, equal to the amounts of all  
5 line item appropriations, standing limited appropriations, and  
6 standing unlimited appropriations otherwise limited by law,  
7 including federal and nonstate funds, made for the fiscal year  
8 beginning July 1, 2019, and ending June 30, 2020, as determined  
9 pursuant to subsection 1, to be used for the same designated  
10 purposes.

11 3. DUPLICATIVE STANDING APPROPRIATIONS SUPPLANTED. The  
12 amounts appropriated under subsection 2 shall supplant  
13 any duplicative standing appropriation for the fiscal year  
14 beginning July 1, 2020, and ending June 30, 2021.

15 4. MISCELLANEOUS PROVISIONS APPLICABLE TO FY 2020–2021.  
16 Any powers, duties, limitations, or requirements, including  
17 reporting requirements, set forth in 2019 Iowa Acts, chapters  
18 85, 89, 131, 135, 136, 154, 155, and 163, for the fiscal  
19 year beginning July 1, 2019, and ending June 30, 2020, are  
20 applicable for the fiscal year beginning July 1, 2020, and  
21 ending June 30, 2021.

22 5. ALLOCATION AMOUNTS. For any line item appropriation,  
23 standing limited appropriation, or standing unlimited  
24 appropriation otherwise limited by law identified pursuant  
25 to subsection 1 which is subject to an allocation amount for  
26 the fiscal year beginning July 1, 2019, and ending June 30,  
27 2020, the amount appropriated under subsection 2 based on such  
28 appropriation shall be subject to the same allocation amount  
29 for the fiscal year beginning July 1, 2020, and ending June 30,  
30 2021.

31 6. NONREVERSION PROVISIONS. For any line item  
32 appropriation, standing limited appropriation, or standing  
33 unlimited appropriation otherwise limited by law identified  
34 pursuant to subsection 1 that is subject to a specified  
35 nonreversion provision, whether for a limited or unlimited

1 period, the amount appropriated under subsection 2 based on  
2 such appropriation shall be subject to the same specified  
3 nonreversion provision, and in the case of a specified  
4 nonreversion provision for a limited period, the period shall  
5 be considered to be one fiscal year longer than specified for  
6 the appropriation identified pursuant to subsection 1.

7 7. FULL-TIME EQUIVALENT POSITIONS. The amounts  
8 appropriated under subsection 2 to an entity identified  
9 pursuant to subsection 1 may be used by the entity for a number  
10 of full-time equivalent positions for the fiscal year beginning  
11 July 1, 2020, and ending June 30, 2021, equal to the number of  
12 full-time equivalent positions authorized for the entity for  
13 the fiscal year beginning July 1, 2019, and ending June 30,  
14 2020.

15 8. EXCLUSIONS. This section does not apply to any of the  
16 following:

17 a. Appropriations made from the rebuild Iowa infrastructure  
18 fund and the technology reinvestment fund pursuant to 2019 Iowa  
19 Acts, chapter 137.

20 b. Appropriations made to the department of transportation  
21 from the road use tax fund and the primary road fund pursuant  
22 to 2019 Iowa Acts, chapter 52.

23 c. The appropriation made to the department of  
24 administrative services from the general fund of the state for  
25 establishing a listing of real property owned or leased by  
26 the state pursuant to 2019 Iowa Acts, chapter 136, section 1,  
27 subsection 1, paragraph "d".

28 d. The appropriation made to the department of agriculture  
29 and land stewardship from the general fund of the state for  
30 deposit in the hungry canyons account of the loess hills  
31 development and conservation fund pursuant to 2019 Iowa Acts,  
32 chapter 131, section 9, subsection 1.

33 e. The appropriation made to the department of cultural  
34 affairs from the general fund of the state for payment of  
35 rent for the state records center pursuant to 2019 Iowa Acts,

1 chapter 154, section 1, subsection 1, paragraph "g".

2 f. The appropriation made to the Iowa law enforcement  
3 academy from the general fund of the state for costs associated  
4 with temporary relocation of the Iowa law enforcement academy  
5 pursuant to 2019 Iowa Acts, chapter 163, section 10, subsection  
6 1, paragraph "a", subparagraph (2).

7 g. The appropriation made to the department of homeland  
8 security and emergency management from the general fund of the  
9 state for flood recovery pursuant to 2020 Iowa Acts, Senate  
10 File 2144, section 3.

11 h. The appropriation made to the department of management  
12 for distribution of moneys to other governmental entities for  
13 the payment of rate adjustments established by the office of  
14 the chief information officer pursuant to 2019 Iowa Acts,  
15 chapter 136, section 16, subsection 2.

16 i. Any line item appropriation, standing limited  
17 appropriation, or standing unlimited appropriation otherwise  
18 limited by law that is otherwise provided for in this Act.

19 Sec. 2. REPEAL. 2020 Iowa Acts, Senate File 2408, sections  
20 7 and 8, are repealed.

21 DIVISION II

22 ADMINISTRATION AND REGULATION APPROPRIATIONS — FY 2020-2021

23 Sec. 3. DEPARTMENT OF ADMINISTRATIVE SERVICES. There  
24 is appropriated from the general fund of the state to the  
25 department of administrative services for the fiscal year  
26 beginning July 1, 2020, and ending June 30, 2021, the following  
27 amount, or so much thereof as is necessary, to be used for the  
28 purposes designated:

29 For the payment of utility costs, and for not more than the  
30 following full-time equivalent positions:

31 .....	\$	3,882,948
32 .....	FTEs	1.00

33 Notwithstanding section 8.33, any excess moneys appropriated  
34 for utility costs in this section shall not revert to the  
35 general fund of the state at the end of the fiscal year but



1 Responsibility and Work Opportunity Reconciliation Act of 1996,  
2 Pub. L. No. 104-193, and successor legislation, the following  
3 amount, or so much thereof as is necessary, to be used for the  
4 purposes designated:

5 To be credited to the family investment program account and  
6 used for assistance under the family investment program under  
7 chapter 239B:  
8 ..... \$ 5,002,006

9 Sec. 7. MEDICAL ASSISTANCE. There is appropriated from the  
10 general fund of the state to the department of human services  
11 for the fiscal year beginning July 1, 2020, and ending June 30,  
12 2021, the following amount, or so much thereof as is necessary,  
13 to be used for the purpose designated:

14 For medical assistance program reimbursement and associated  
15 costs as specifically provided in the reimbursement  
16 methodologies in effect on June 30, 2020, except as otherwise  
17 expressly authorized by law, consistent with options under  
18 federal law and regulations, and contingent upon receipt of  
19 approval from the office of the governor of reimbursement for  
20 each abortion performed under the program:  
21 ..... \$ 1,466,364,409

22 The prohibitions, limitations, transfers, authorizations,  
23 requirements applicable to state and private entities, and  
24 requirements applicable to the use of appropriated moneys,  
25 including allocation amounts, set forth in 2019 Iowa Acts,  
26 chapter 85, section 13, subsections 1 through 24, apply to  
27 the moneys appropriated in this section for the fiscal year  
28 beginning July 1, 2020, and ending June 30, 2021.

29 Sec. 8. STATE SUPPLEMENTARY ASSISTANCE.

30 1. There is appropriated from the general fund of the  
31 state to the department of human services for the fiscal year  
32 beginning July 1, 2020, and ending June 30, 2021, the following  
33 amount, or so much thereof as is necessary, to be used for the  
34 purpose designated:

35 For the state supplementary assistance program:

1 ..... \$ 7,349,002

2 2. The department shall increase the personal needs  
3 allowance for residents of residential care facilities by the  
4 same percentage and at the same time as federal supplemental  
5 security income and federal social security benefits are  
6 increased due to a recognized increase in the cost of living.  
7 The department may adopt emergency rules to implement this  
8 subsection.

9 3. If during the fiscal year beginning July 1, 2020,  
10 the department projects that state supplementary assistance  
11 expenditures for a calendar year will not meet the federal  
12 pass-through requirement specified in Tit. XVI of the federal  
13 Social Security Act, section 1618, as codified in 42 U.S.C.  
14 §1382g, the department may take actions including but not  
15 limited to increasing the personal needs allowance for  
16 residential care facility residents and making programmatic  
17 adjustments or upward adjustments of the prescribed residential  
18 care facility or in-home health-related care reimbursement  
19 rates to ensure that federal requirements are met. In  
20 addition, the department may make other programmatic and rate  
21 adjustments necessary to remain within the amount appropriated  
22 in this section while ensuring compliance with federal  
23 requirements. The department may adopt emergency rules to  
24 implement the provisions of this subsection.

25 4. Notwithstanding [section 8.33](#), moneys appropriated in  
26 this section that remain unencumbered or unobligated at the  
27 close of the fiscal year shall not revert but shall remain  
28 available for expenditure for the purposes designated until the  
29 close of the succeeding fiscal year.

30 Sec. 9. CHILDREN'S HEALTH INSURANCE PROGRAM.

31 1. There is appropriated from the general fund of the  
32 state to the department of human services for the fiscal year  
33 beginning July 1, 2020, and ending June 30, 2021, the following  
34 amount, or so much thereof as is necessary, to be used for the  
35 purpose designated:

1 For maintenance of the healthy and well kids in Iowa (hawk-i)  
2 program pursuant to [chapter 514I](#), including supplemental dental  
3 services, for receipt of federal financial participation under  
4 Tit. XXI of the federal Social Security Act, which creates the  
5 children's health insurance program:

6 ..... \$ 37,598,984

7 2. Of the funds appropriated in this section, \$146,682 is  
8 allocated for continuation of the contract for outreach with  
9 the department of public health.

10 3. A portion of the funds appropriated in this section may  
11 be transferred to the appropriations made for field operations  
12 or medical contracts to be used for the integration of hawk-i  
13 program eligibility, payment, and administrative functions  
14 under the purview of the department of human services,  
15 including for the Medicaid management information system  
16 upgrade.

17 Sec. 10. STATE RESOURCE CENTERS.

18 1. There is appropriated from the general fund of the  
19 state to the department of human services for the fiscal year  
20 beginning July 1, 2020, and ending June 30, 2021, the following  
21 amounts, or so much thereof as is necessary, to be used for the  
22 purposes designated:

23 a. For the state resource center at Glenwood for salaries,  
24 support, maintenance, and miscellaneous purposes:

25 ..... \$ 16,700,867

26 b. For the state resource center at Woodward for salaries,  
27 support, maintenance, and miscellaneous purposes:

28 ..... \$ 10,913,360

29 2. The department may continue to bill for state resource  
30 center services utilizing a scope of services approach used for  
31 private providers of intermediate care facilities for persons  
32 with an intellectual disability services, in a manner which  
33 does not shift costs between the medical assistance program,  
34 counties, or other sources of funding for the state resource  
35 centers.

1 3. The state resource centers may expand the time-limited  
2 assessment and respite services during the fiscal year.

3 4. If the department's administration and the department  
4 of management concur with a finding by a state resource  
5 center's superintendent that projected revenues can reasonably  
6 be expected to pay the salary and support costs for a new  
7 employee position, or that such costs for adding a particular  
8 number of new positions for the fiscal year would be less  
9 than the overtime costs if new positions would not be added,  
10 the superintendent may add the new position or positions. If  
11 the vacant positions available to a resource center do not  
12 include the position classification desired to be filled, the  
13 state resource center's superintendent may reclassify any  
14 vacant position as necessary to fill the desired position. The  
15 superintendents of the state resource centers may, by mutual  
16 agreement, pool vacant positions and position classifications  
17 during the course of the fiscal year in order to assist one  
18 another in filling necessary positions.

19 5. If existing capacity limitations are reached in  
20 operating units, a waiting list is in effect for a service or  
21 a special need for which a payment source or other funding  
22 is available for the service or to address the special need,  
23 and facilities for the service or to address the special need  
24 can be provided within the available payment source or other  
25 funding, the superintendent of a state resource center may  
26 authorize opening not more than two units or other facilities  
27 and begin implementing the service or addressing the special  
28 need during fiscal year 2020-2021.

29 6. Notwithstanding [section 8.33](#), and notwithstanding  
30 the amount limitation specified in [section 222.92](#), moneys  
31 appropriated in this section that remain unencumbered or  
32 unobligated at the close of the fiscal year shall not revert  
33 but shall remain available for expenditure for the purposes  
34 designated until the close of the succeeding fiscal year.

35 Sec. 11. JUVENILE INSTITUTION. There is appropriated

1 from the general fund of the state to the department of human  
2 services for the fiscal year beginning July 1, 2020, and ending  
3 June 30, 2021, the following amounts, or so much thereof as is  
4 necessary, to be used for the purposes designated:

5 1. a. For operation of the state training school at Eldora  
6 and for salaries, support, maintenance, and miscellaneous  
7 purposes, and for not more than the following full-time  
8 equivalent positions:

9 ..... \$ 16,029,488  
10 ..... FTEs 207.00

11 b. Of the funds appropriated in this subsection, \$91,000  
12 shall be used for distribution to licensed classroom teachers  
13 at this and other institutions under the control of the  
14 department of human services based upon the average student  
15 yearly enrollment at each institution as determined by the  
16 department.

17 2. A portion of the moneys appropriated in this section  
18 shall be used by the state training school at Eldora for  
19 grants for adolescent pregnancy prevention activities at the  
20 institution in the fiscal year beginning July 1, 2020.

21 3. Of the funds appropriated in this subsection, \$212,000  
22 shall be used by the state training school at Eldora for a  
23 substance use disorder treatment program at the institution for  
24 the fiscal year beginning July 1, 2020.

25 4. Notwithstanding [section 8.33](#), moneys appropriated in  
26 this section that remain unencumbered or unobligated at the  
27 close of the fiscal year shall not revert but shall remain  
28 available for expenditure for the purposes designated until the  
29 close of the succeeding fiscal year.

30 DIVISION V

31 PROPERTY TAX CREDITS

32 Sec. 12. PROPERTY TAX CREDITS.

33 1. In lieu of the standing appropriations in the following  
34 designated sections, for the fiscal year beginning July 1,  
35 2020, and ending June 30, 2021, there is appropriated from

1 the general fund of the state the following amounts for the  
2 following designated purposes:

3 a. For reimbursement for the homestead property tax credit  
4 under section 425.1:  
5 ..... \$139,984,518

6 b. For implementing the elderly and disabled tax credit and  
7 reimbursement pursuant to sections 425.16 through 425.40:  
8 ..... \$ 20,500,000

9 2. If the director of revenue determines that the amount of  
10 claims for credit for property taxes due pursuant to paragraphs  
11 "a" and "b", plus the amount of claims for reimbursement for  
12 rent constituting property taxes paid which are to be paid  
13 during a fiscal year may exceed the total amount appropriated  
14 for that fiscal year, the director shall estimate the  
15 percentage of the credits and reimbursements which will be  
16 funded by the appropriation. The county treasurer shall notify  
17 the director of the amount of property tax credits claimed by  
18 June 26, 2020. The director shall estimate the percentage of  
19 the property tax credits and rent reimbursement claims that  
20 will be funded by the appropriation and notify the county  
21 treasurer of the percentage estimate by June 30, 2020. The  
22 estimated percentage shall be used in computing for each claim  
23 the amount of property tax credit and reimbursement for rent  
24 constituting property taxes paid for that fiscal year. If  
25 the director overestimates the percentage of funding, claims  
26 for reimbursement for rent constituting property taxes paid  
27 shall be paid until they can no longer be paid at the estimated  
28 percentage of funding. Rent reimbursement claims filed after  
29 that point in time shall receive priority and shall be paid in  
30 the following fiscal year.

31 Sec. 13. RETROACTIVE APPLICABILITY. This division of this  
32 Act, if approved by the governor after June 26, 2020, applies  
33 retroactively to June 26, 2020.

34 DIVISION VI  
35 CORRECTIVE PROVISIONS

1       Sec. 14. Section 100B.41, as enacted by 2020 Iowa Acts,  
2 Senate File 2259, section 1, is amended to read as follows:

3       **100B.41 Donation of fire fighting, emergency medical  
4 response, and law enforcement equipment.**

5       A fire department, emergency medical services provider, or  
6 law enforcement agency may donate used vehicles or equipment  
7 to an organization that provides fire response or emergency  
8 medical services, or to a law enforcement agency. An entity  
9 making a good faith donation of equipment pursuant to this  
10 ~~subsection~~ section shall be immune from civil liability from  
11 any claim arising from the performance, failure to perform,  
12 nature, age, condition, or packaging of any vehicle or  
13 equipment used in fire fighting, emergency medical response,  
14 or law enforcement.

15       Sec. 15. Section 260C.48, subsection 1, paragraph a,  
16 subparagraph (2), Code 2020, as enacted by 2020 Iowa Acts,  
17 House File 2454, section 1, is amended to read as follows:

18       (2) For purposes of subparagraph (1), subparagraph  
19 divisions (b) and (c), if the instructor is a licensed  
20 practitioner who holds a career and technical endorsement under  
21 chapter 272, relevant work experience in the occupational area  
22 includes but is not limited to classroom instruction in a  
23 career and technical education subject area offered by a school  
24 district or accredited nonpublic school.

25       Sec. 16. Section 321.279, subsection 2, paragraph b, as  
26 enacted by 2020 Iowa Acts, Senate File 2275, section 1, is  
27 amended to read as follows:

28       **b.** The driver of a motor vehicle who commits a violation  
29 under this ~~section~~ subsection and who has previously committed  
30 a violation under this ~~section~~ subsection or subsection 3 is,  
31 upon conviction, guilty of a class "D" felony.

32       Sec. 17. Section 514C.35, subsection 4, paragraph d,  
33 subparagraph (1), if enacted by 2020 Iowa Acts, Senate File  
34 2261, section 5, is amended to read as follows:

35       (1) ~~A any~~ Any school, other than a public school, that is

1 accredited pursuant to section 256.11 for any and all levels  
2 for grades one through twelve.

3 Sec. 18. Section 709.23, subsection 2, if enacted by 2020  
4 Iowa Acts, House File 2554, section 4, is amended to read as  
5 follows:

6 2. A person who commits continuous sexual abuse of a  
7 child is, upon conviction, guilty of a class "B" felony.  
8 Notwithstanding section 902.9, subsection 1, paragraph "b",  
9 a person convicted of a violation of this ~~subsection~~ section  
10 involving any combination of three or more acts of sexual abuse  
11 that includes a violation of section 709.3 or 709.4 shall be  
12 confined for no more than fifty years.

13 Sec. 19. 2020 Iowa Acts, Senate File 2357, section 9,  
14 subsection 2, paragraph b, subparagraph (1), subparagraph  
15 division (a), is amended to read as follows:

16 (a) Review of requirements. The supervising physician and  
17 the physician assistant shall review all of the requirements  
18 of physician assistant licensure, practice, supervision, and  
19 delegation of medical services as set forth in section 148.13  
20 and chapter 148C, the Iowa administrative code ~~chapter~~ chapters  
21 under 653 IAC, and 645 IAC chapters 326 to 329.

22 Sec. 20. 2020 Iowa Acts, Senate File 2357, section 10,  
23 subsection 1, unnumbered paragraph 1, is amended to read as  
24 follows:

25 The Notwithstanding section 148C.5, the board of physician  
26 assistants shall rescind all of the following:

27 Sec. 21. EFFECTIVE DATE. This division of this Act, being  
28 deemed of immediate importance, takes effect upon enactment.

29 Sec. 22. RETROACTIVE APPLICABILITY. The following apply  
30 retroactively to March 18, 2020:

31 1. The section of this division of this Act amending 2020  
32 Iowa Acts, Senate File 2357, section 9.

33 2. The section of this division of this Act amending 2020  
34 Iowa Acts, Senate File 2357, section 10.

35

DIVISION VII

1           CONTINGENT EFFECTIVE DATE AND RETROACTIVE APPLICABILITY

2           Sec. 23. EFFECTIVE UPON ENACTMENT. Unless otherwise  
3 provided, this Act, if approved by the governor on or after  
4 July 1, 2020, takes effect upon enactment.

5           Sec. 24. RETROACTIVE APPLICABILITY. Unless otherwise  
6 provided, this Act, if approved by the governor on or after  
7 July 1, 2020, applies retroactively to July 1, 2020.>

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HALL of Woodbury